## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

)
) No. 3:12-ev-01227
) Judge Nixon Magistrate Judge Bryant
)
) JURY DEMAND
)

## **ORDER**

Plaintiff Richard F. Arnett and Defendant GC Services, L.P. have filed a Stipulation of Dismissal ("Motion"), in which they request the Court dismiss with prejudice Defendant GC Services, L.P. from this case under Federal Rule of Procedure 41(a)(1). (Doc. No. 20.) While Rule 41 allows for the voluntary dismissal of actions, the Sixth Circuit has recognized that Rule 21 is a more appropriate vehicle for a Court to dismiss a party from an ongoing action. See Letherer v. Alger Group, LLC, 328 F.3d 262, 265–66 (6th Cir. 2003), overruled on other grounds by Powerex Corp. v. Reliant Energy Servs., Inc., 551 U.S. 224, 231 (2007); see also AmSouth Bank v. Dale, 386 F.3d 763, 778 (6th Cir. 2004). Accordingly, the Motion is GRANTED pursuant to Rule 21, and GC Services, L.P. is DISMISSED with prejudice. Plaintiff's claims against Defendant LVNV Funding, LLC remain intact.

It is so ORDERED.

Entered this 13 day of June, 2013.

JOHN T. NIXON, SENIOR JUDGE UNITED STATES DISTRICT COURT